

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TONYALITA G. CINTRON, :  
Plaintiff, : 04 Civ. 3781 (RMB)(AJP)  
: :  
-against- : **DECISION AND ORDER**  
: :  
GROSVENOR NEIGHBORHOOD HOUSE, :  
Defendant. :  
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**I. Background**

On or about January 25, 2005, United States Magistrate Judge Andrew J. Peck, to whom this default proceeding had been referred, issued a report and recommendation (“Report”) recommending that Tonyalita G. Cintron (“Plaintiff”) be awarded damages against Grosvenor Neighborhood House (“Defendant”) in the amount of \$15,000. Report at 1.

The Report advised that “the parties shall have ten (10) days from service of this Report to file written objections,” pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. Report at 1. Neither Plaintiff nor Defendant has submitted objections.

**II. Standard of Review**

A district court evaluating a magistrate’s report may adopt those portions of the report to which “no specific, written objection” is made, as long as those sections are not clearly erroneous. See Fed. R. Civ. P. 72(b); Thomas v. Arn, 474 U.S. 140, 149 (1985). “Within 10 days after the magistrate files his proposed findings and recommendations, any party may file objections. The statute then provides: ‘A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” United States v. Raddatz, 447 U.S. 667, 673 (1980). “The judge may then accept, reject, or modify, in whole or in part, the magistrate judge’s proposed findings and

magistrate judge's proposed findings and recommendations." DeLuca v. Lord, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); Grassia v. Scully, 892 F.2d 16, 19 (2d Cir. 1989).

### III. Analysis

The conclusions and recommendations set forth in the Report are supported by the record and are incorporated herein by reference. Having conducted a review of the record herein, including, among other things, the Report, the transcript of proceedings before Magistrate Judge Andrew J. Peck on January 25, 2005, and applicable legal authorities, the Court finds that the Report is not clearly erroneous and is in conformity with the law in all respects. See Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991); Schwartz-Liebman Textiles v. Last Exit Corp., 815 F. Supp. 106, 107 (S.D.N.Y. 1992).

### IV. Order

For the reasons stated herein and therein, the Court adopts the Report in its entirety. The Clerk of the Court is respectfully requested to enter judgment against the Defendant in the amount of \$15,000.00 and to close this case<sup>1</sup>.

Dated: New York, New York  
April 22, 2005



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RICHARD M. BERMAN, U.S.D.J.

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<sup>1</sup>Judge Peck has advised that Plaintiff has not requested pre-judgment interest.